

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF WASHINGTON

4
5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 v.

8 RONALD J. DAVENPORT, et al.,

9 Defendants.

10 No. CV-08-0158-FVS

11 ORDER DENYING DEFENDANT'S
12 MOTION FOLLOWING APPEAL

13 On June 3, 2010, Mr. Davenport appealed to the United States
14 Court of Appeals for the Ninth Circuit. (Ct. Rec. 158). Following
15 the filing of a notice of appeal, Defendant filed a motion to set
16 aside an order of this Court. (Ct. Rec. 164). That motion is now
17 before the Court.

18 **RULING**

19 The filing of a notice of appeal strips the district court of
20 jurisdiction over the case involved in the appeal. See *Griggs v.*
21 *Provident Consumer Discount Co.*, 459 U.S. 56, 58, 103 S.Ct. 400, 401,
22 74 L.Ed.2d 225 (1982) ("The filing of a notice of appeal is an event
23 of jurisdictional significance-it confers jurisdiction on the court of
24 appeals and divests the district court of its control over those
25 aspects of the case involved in the appeal."). Accordingly, the Court
26 finds that Mr. Davenport's recently filed motion (**Ct. Rec. 164**) shall
 be **DENIED without prejudice and with leave to renew** before the Ninth
 Circuit. **NO FURTHER FILINGS WILL BE PERMITTED IN THIS CASE.**

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel and Mr. Davenport.

DATED this 15th day of June, 2010.

S/Fred Van Sickle
Fred Van Sickle
Senior United States District Judge